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APPLICATION NO.	FU	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO		
10/048,197	01/23/2002		Joelle Thonnard	BM45399	2955		
25308	7590	05/24/2002					
DECHERT				EXAMINER			
ATTN: ALL	ATLANTI			BASKAR, PA	BASKAR, PADMAVATHI		
1717 ARCH STREET PHILADELPHIA, PA 19103				ART UNIT	PAPER NUMBER		
	,			1645			
				DATE MAILED: 05/24/2002	!		

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Examiner	· · · · · · · · · · · · · · · · · · ·		Application No.	Applicant(s)						
Examiner	n .									
Padmavathi v Baskar   1645    The MAILING DATE of this communication appears on the cover sheet with the correspondence address  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  If the period for reply septicified above is loss than thirty (30) days, a reply within the databoty minimum of thirty (30) days will be considered fitted.  If the period for reply septicified above is loss than thirty period will applie and very large 100 (MANTHS from the relief) gating data in the communication.  If the period for reply septicified above is loss than the communication of the period of the communication.  A set of the period of the Office last frain there months after the mailing date of this communication, even if timely fled, may reduce any camed pather than ediplication.  A proper received by the Office last frain there months after the mailing date of this communication, even if timely fled, may reduce any camed pather than ediplication.  A proper than a specification is office and in a condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  A possibility of the above claims of the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  A prication is stare allowed.  Claims is stare allowed.  Cl	•≈′	Office Action Summany			.LLE					
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Educations of the map by a evaluation of 3 of SR 1.136(a). In no event, however, may a reply be timely filled after SIX (9) MONTHS from the mailing date of this communication.  Education of the map by a evaluation of the provisions of 3 of SR 1.136(a). In no event, however, may a reply be timely filled after SIX (9) MONTHS from the mailing date of this communication.  Education of the map by a evaluation of the mailing date of this communication.  Fill Not period to reply is specified blow, the maximum date by period will apply and will apply (SM MONTHS from the mailing date) of this communication.  Fill Not period to reply is specified blow, the maximum dated previous date application to become ABANCONED (18 U.S.C. § 133).  Cannot platent time digistriend. See 37 CFR 1.704(b).  Status  1) Responsive to communication(s) filled on		Office Action Summary								
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provisions of 3T CFR 1.135(a). In no event, however, may a reply be timely filled.  Extensions of time may be available under the provisions of 3T CFR 1.135(a). In no event, however, may a reply be timely filled.  Extensions of time may be available under the provisions of 3T CFR 1.135(a). In no event, however, may a reply be timely filled.  Extensions of time may be available under the provisions of 3T CFR 1.735(a). The control of the provision of CFR 1.736(a).  Status  1)					droce					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extracisors of imary be available under the provisions of 3°C R1.13(6). In no event, however, may a reply be timely filed  Extracisors for reply specified above is less than thinky (30) days, a reply which the statutory information of thinky (30) days, a reply which the statutory information of the provision of reply specified above, the meaning adated principle of the provision of reply specified above, the meaning adated principle of the provision of reply specified above, the meaning adated principle of the provision of the provis										
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2a)  This action is FINAL. 2b)  This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s)  27-49 is/are pending in the application.  4a) Of the above claim(s)  is/are withdrawn from consideration.  5)  Claim(s)  is/are allowed.  6)  Claim(s)  is/are allowed.  7)  Claim(s)  is/are objected to.  8)  Claim(s)  is/are objected to.  8)  Claim(s)  is/are subject to restriction and/or election requirement.  Application Papers  9)  The specification is objected to by the Examiner.  10)  The drawing(s) filed on  is/are: a) accepted or b objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  11)  The proposed drawing correction filed on  is a) paproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12)  The oath or declaration is objected to by the Examiner.  Priority under 35 U.S.C. §§ 119 and 120  13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a)  All b)  Some * c) None of:  1.  Certified copies of the priority documents have been received in Application No.  application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies not received.  14)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  a)  The translation of the foreign language provisional application has been received.  15)  Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Attachment(s)	_	Responsive to communication(s) filed on								
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## RESTRICTION

- 1. Applicant's amendment filed on 12/23/01 has been entered. Claims 1-26 have been canceled. Claims 27-49 have been entered, Claims 27-49 are pending in the application.
- 2. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions, which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in response to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 27,29,32,34,35, 38 and 43-44 drawn to polypeptide and a method of use as a vaccine.

Group II, claims 28, 30, 31,33,36,37,39,40,41 and 42 drawn to DNA, vector and host cell.

Group III, claim 45 drawn to an antibody.

Group IV, claim 46 drawn to a method for inducing an immune response using a polypeptide. Group V, claim 47 drawn to a method for diagnosing M.catarrhalis infection using peptide or antibody. Group VI, claim 48 drawn to a method for inducing immune response using polynucleotide.

Group VII, claim 49 drawn to a method for the treatment of M.catarrhalis infection using antibody.

The inventions listed as Groups I-VII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Group I is directed to a polypeptide, method for producing the polypeptide and a method of use as vaccine which is the first product and first method of using the product. The special

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technical feature is the polypeptide, which is made up of amino acids. Groups II-III are drawn to structurally different products such as nucleic acids and antibodies which do not require each other for their practice and do not share the same or a corresponding technical feature. The Group IV-VII inventions are drawn to methods having different goals, method steps and starting materials, which do not require each other for their practice and do not share the same or a corresponding technical feature. Note that PCT Rule 13 does not provide for multiple products or methods within a single application. Since the special technical feature of the Group I invention is not present in the Group II-VII claims, and the special technical features of the Group II-VII inventions are not present in the Group I claims, unity of invention is lacking.

- 4. Applicant is required, in reply to this action, to elect a group to which the claims shall be restricted. The reply must also identify the claims readable on the elected invention, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.
- Any inquiry concerning this communication or earlier communications from the examiner should be directed to Padmavathi v Baskar whose telephone number is (703) 308-8886. The examiner can normally be reached on M-F (6:30A.M-4: 00 P.M.) First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynette Smith can be reached on (703) 308-3909. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-4242 for regular communications and (703) 308-4242 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235

P. Baskar Ph.D.

5/22/02

JAMES O. WILSON PRIMARY EXAMINER

& ROJP 1600